

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

German Gutierrez, Marvin Lopez,
German Lopez

Complainants,

vs.

SBC Pacific Bell,

Defendant.

Case 02-04-020
(Filed April 16, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING AN EVIDENTIARY HEARING
AND ESTABLISHING PROCEDURES**

I am in receipt of this Rule 31 complaint against Pacific Bell. This Commission in Decision (D.) 91188, dated January 8, 1980, has promulgated Rule 31, as amended. Constitutional objections to this rule were dismissed and validity of this rule was upheld by the California Supreme Court in *Goldin v. Public Utilities Commission* (1979) 23 Cal.3d 638.

Pursuant to Pacific Bell's Rule 31, entitled "Legal Requirements for Refusal or Discontinuance of Service" the Commission is required to schedule a hearing on the complaint of a disconnected subscriber within 20 days of filing, and to serve notice on the concerned law enforcement agency. The concerned law enforcement agency in this complaint case is the City of Los Angeles, Department of Transportation.

Rule 31 also sets the burden on the law enforcement agency to justify the disconnection and to show that the service should not be restored. Specifically, the law enforcement agency “shall have both (1) the burden of proving that the use made or to be made of the service is prohibited by law, or that the service is being or is to be used as an instrumentality, directly or indirectly, to violate or to assist in the violation of the law, and (2) the burden of persuading the Commission that the service should be refused or should not be restored.” (Rule 31, paragraph 4.)

IT IS RULED that:

1. An evidentiary hearing shall be held on Wednesday, May 1, 2002, at 9:00 a.m., in the Commission Courtroom, State Office Building 320 West 4th Street, Suite 500, Los Angeles, CA 90013.
2. The burden of proof in this complaint case lies with the designated law enforcement agency as set forth in the body of this order.

Dated April 19, 2002, at San Francisco, California.

/s/ MICHAEL J. GALVIN

Michael J. Galvin
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting an Evidentiary Hearing and Establishing Procedures on all parties of record in this proceeding or their attorneys of record.

Dated April 19, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.